HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

Writ Appeal No.519 of 2006

Between:

Smt. Dasari Krupala and another

…Appellants.

And

Kathika Venkateswarlu and others

…Respondents.

O R D E R

Counsel for the petitioners : Shri B.Chinnappa Reddy

Counsel for Respondent No.1 : Shri P.Roy Reddy

Counsel for Respondent No.2
and 3 : Government Pleader for
Revenue

Dated: 26-04-2006

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Per G.S.Singhvi, CJ

This appeal is directed against order dated 29-6-2005 passed by the learned Single Judge, whereby he allowed the writ petition filed by respondent No.1 and quashed show-cause notice dated 31-5-2005 issued by Mandal Revenue Officer, Mangalagiri Mandal, Guntur District proposing to evict respondent No.1 from Ac.0-05 cents of land comprised in Survey No.228/2 of Mangalagiri.

We have heard learned counsel for the parties and perused the record.

By a separate order passed today, we have allowed W.A.M.P.No.983 of 2006 and granted leave to Smt. Dasari Krupala and Dasari Raja Rao, wife and son respectively of

Sri D.Bhaskara Rao to file appeal against the order of the learned single Judge by observing that order adversely affecting their right in relation to Ac.0-05 cents comprised in Survey No.228/2 of Mangalagiri could not have been passed without ensuring their impleadment as party respondents and without hearing them.

Learned counsel for the appellant argued that the order passed by the learned Single Judge is liable to be set aside, because while disposing of the writ petition filed by respondent No.1, the learned Single Judge over-looked the grave defect in the constitution of the writ petition i.e., non-impleadment of the necessary parties.

Learned counsel for respondent No.1 fairly admitted that the name of Sri D.Bhaskara Rao appeared in show-cause notice dated 31-5-2005 and his legal representatives were not impleaded as party to the writ petition filed by his client.

In view of the above, we feel that ends of justice would be met by setting aside the order passed by the learned Single Judge with a direction to respondent No.1 to implead the appellants herein as party respondents. Thereafter, learned Single Judge may pass appropriate order in accordance with law. Ordered accordingly.

The appeal is disposed of in the manner indicated above. The parties are left to bear their own costs.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD, J

GRR